

C. Remarks

The claims are 1-7, 9, 12-15, 17, 18, and 20-25, with claims 1, 12, 13 and 21 being independent. Claims 8 and 19 have been cancelled without prejudice or disclaimer and their subject matter added into each of independent claims 1, 12 and 13. In addition, independent claims 1, 12, 13 and 21 have been amended to remove the optional non-stick coating or non-stick coating steps, while this removed subject matter has been captured in new claims 22-25, respectively. Claims 9 and 20 have been amended to adjust dependency in view of the cancellation of claims 8 and 19. Applicant respectfully submits that the claim amendments and new claims are fully supported by the application as originally filed and that no new matter has been added. Reconsideration of the present claims is respectfully requested.

Claims 1, 12, 13 and 21 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite. In view of Applicant's amendment of each of these claims to remove the optional non-stick coating or non-stick coating steps and Applicant's inclusion of this subject matter in new dependent claims in accordance with the Examiner's kind suggestion, Applicant respectfully submits that the rejection is now moot and should be withdrawn.

Claims 1-3, 5-7, 12-15, 17, 18 and 21 stand rejected under 35 U.S.C. §103(a) as being allegedly obvious over Budd (U.S. Patent No. 4,910,031). Applicant respectfully traverses this rejection. However, in an effort to expedite allowance of this application, Applicant has amended the claims herein to incorporate subject matter identified as allowable by the Examiner.

More specifically, the Examiner has indicated that each of claims 4, 8, 9 and

20 is directed to allowable subject matter. Independent claims 1, 12 and 13 have now been amended to include the subject matter of allowable claim 8. Further, claim 19 was not included in the list of allowable claims nor was it included in the §103 rejection - Applicant respectfully submits that claim 19 should have been included in the list of allowable claims, as claim 19 corresponds directly to allowable claim 8 (both claims are Markush listings of potential temperature-sensitive inclusions). Furthermore, Applicant respectfully submits that claim 21 should not have been included in the §103 rejection at all as claim 21 represents a preferred embodiment of the invention which incorporates at least the subject matter of allowable claim 20 (where the temperature-sensitive inclusions are candy-shelled chocolate pieces).

For at least the above-noted reasons, Applicant submits that all claims are in condition for allowance as all claims include at least the subject matter of allowable claim 8 or claim 19, which is allowable for the same reasons. Accordingly, Applicant respectfully requests withdrawal of the §103 rejection premised upon Budd.

In view of the foregoing amendments and remarks, favorable reconsideration and passage to issue is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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